

SCOTTSDALE

CITY COUNCIL MEETING



AMENDED NOTICE AND AGENDA (SPECIAL MEETING/EXECUTIVE
SESSION ADDED)

COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Kevin J. Osterman

Tuesday, November 1, 2005

*****4:00 P.M.**

City Council Special Meeting MARKED AGENDA

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **4:02 P.M.**

Roll Call – **COUNCILMEMBER DRAKE ABSENT**

1. REQUEST FOR EXECUTIVE SESSION TO:

- A. Review confidential employment documents from the Human Resources General Manager; discussion or consideration of employment, assignment, appointment, salary and other employment terms; and discussion with the finalist for City Attorney, Deborah Robberson. Also give direction to Human Resources General Manager Teri Traaen regarding the above discussion and deliberation with the finalist. Contact: Teri Traaen, Human Resources General Manager, 480-312-2615, ttraaen@scottsdaleaz.gov
- B. Discussion or consultation with the City's attorneys for legal advice regarding the recruitment and hiring process, and to consider its position and instruct its attorneys regarding the public body's position regarding employment terms for the City Attorney that are the subject of negotiations. Contact: Teri Traaen, Human Resources General Manager, 480-312-2615, ttraaen@scottsdaleaz.gov

2. MOTION TO RECESS INTO EXECUTIVE SESSION TO:

- A. Review confidential employment documents from the Human Resources General Manager; discuss or consider employment, assignment, appointment, salary and other employment terms; and discussion with the finalist for City Attorney, Deborah Robberson. Also give direction to Human Resources General Manager Teri Traaen regarding the above discussion and deliberation with the finalist. A.R.S. 38-431.03(A)(1) and (A)(2).
- B. Discuss or consult with the City's attorneys for legal advice regarding the recruitment and hiring process, and to consider its position and instruct its attorneys regarding the public body's position regarding employment terms for the City Attorney that are the subject of negotiations. A.R.S. 38-431.03(A)(3) and (A)(4).

Adjourn to Executive Session – **4:03 P.M.**

5:00 P.M. CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:15 P.M.**

Roll Call – **ALL PRESENT**

Pledge of Allegiance – **EXPLORER TRAVIS GOODSON, POST #908**

Invocation – **PASTOR FRANK SHIRVINSKI, CHAPARRAL CHRISTIAN CHURCH**

Public Comment – **MIKE ALOISI SUGGESTED INCREASING SALARIES OF SAFETY PERSONNEL AND URGED CITIZENS TO WRITE TO THE COUNCIL AND LEGISLATURE HONORING POLICE OFFICERS. LEON SPIRO BELIEVES PRIVATE PROPERTY RIGHTS ISSUES ARE IGNORED WHEN THE COUNCIL APPROVES GENERAL LAND PATENT EASEMENTS AND ASKS THE CITY TO REQUEST A LEGAL OPINION FROM THE ARIZONA ATTORNEY GENERAL.**

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "Public Comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Approval of Minutes

- OK – 7/0

SPECIAL MEETINGS
[October 11, 2005](#)

REGULAR MEETINGS
[October 11, 2005](#)

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

CONSENT AGENDA ITEMS 1 – 17

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Comment Card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. [Chop and Wok \(Restaurant\) Extension of Premises](#) – OK – C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for an existing series 12 restaurant.

Location: 7136 E. Shea Boulevard

Reference: 41-EX-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

2. **Un Bacio Ristorante (Restaurant) Liquor License – OK – C**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license.

Location: 7704 E. Doubletree Ranch Road, #105

Reference: 53-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

3. **The Wine List Wine Shoppe (Beer and Wine Bar) Liquor License – OK – C**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a series 7 (beer and wine bar) liquor license.

Location: 14870 N. Northsight Boulevard, Suite 109

Reference: 57-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

4. **129th Street GLO Abandonment – OK – C**

Requests:

1. Abandon the 33-foot-wide GLO easement along the eastern property boundary.
2. Abandon 13 feet of the 33-foot GLO easement along the western property boundary, full property frontage.
3. Dedicate a 20-foot-wide right-of-way along the western property boundary.
4. Adopt Resolution No. 6744 vacating and abandoning a public right-of-way.

Location: 9875 N. 129th Street

Reference: 4-AB-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

5. **The Courtyards At Desert Park Abandonment – OK – C**

Requests:

1. Abandon:
 - City Right-of-Way driveway entrance containing an area of approximately 1,299 square feet.
2. Release:
 - Public Utility Easement containing an area of approximately 850 square feet, located along the north and south sides of the driveway.
 - Sight Distance Easement containing an area of approximately 354 square feet, located along the north and south sides of the driveway.
3. Dedicate
 - Non-Vehicular Access Easement containing an area of approximately 63 square feet to be located along the location proposed to be abandoned.
 - Sight Distance Easement containing an area of approximately 225 square feet and located at the southern portion of the proposed driveway.
 - Public Utility Easement containing an area of approximately 445 square feet and located across the eastern portion of the proposed driveway.
 - Sidewalk Easement containing an area of approximately 539 square feet and located across the eastern portion of the proposed driveway.
4. Adopt Resolution No. 6746 vacating and abandoning a public right-of-way.

Item No. 5 continued on the following page

Item No. 5 continued

Location: South of the E. Union Hills Drive and Thompson Peak Parkway intersection

Reference: 12-AB-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

6. **DHL Campus Phase III Amended Development Standard** – OK – C

Requests:

1. Amend the building height for a portion of a Planned Community Development District (PCD) on a 8.23 +/- acre parcel located at the northeast corner of N. Perimeter and Hartford drives with Industrial Park, Planned Community Development District (I-1 PCD) zoning.
2. Adopt Ordinance No. 3644 affirming the above amended development standard.

Location: 17207 N. Perimeter Drive and 8660 E. Hartford Drive

Reference: 11-ZN-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

7. **First Baptist Church Of Scottsdale Rezoning** – MOTION TO CONTINUE TO 12/12/05 – OK – 7/0

Requests:

1. Rezone from Single Family Residential District (R1-7) to Multiple Family Residential (R-5) on a 4.23 +/- acre parcel located at 7025 E. Osborn Road.
2. Adopt Ordinance No. 3650 affirming the rezoning.

Location: 7025 E. Osborn Road

Reference: 12-ZN-2005

Staff Contact(s): Frank Gray, General Manager Planning and Development Services 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

8. **Artesia General Plan Amendment. Rezoning and Amended Development Agreement** – MOTION TO APPROVE – OK – 6/1 (MM)

Requests:

1. Amend the General Plan Designation from Resort/Tourism to Neighborhood Commercial (along Scottsdale Road) and Urban Neighborhoods (on the interior of the site).
2. Rezone from Resort/Townhouse Residential, Planned Community District (R-4R PCD), Central Business District (C-2) and Open Space, Planned Community District (O-S PCD) to Neighborhood Commercial, Planned Community District (C-1 PCD) and Multiple Family Residential, Planned Community District (R-5 PCD) with an amended development standard and amended development agreement on a 44+/- acre parcel located at 7171 N. Scottsdale Road.
3. Adopt Resolution No. 6742 affirming the General Plan Amendment.
4. Adopt Ordinance No. 3646 affirming the rezoning and amended development standard.
5. Adopt Resolution No. 6750 authorizing the Mayor to execute Amended Development Agreement No. 980132-A2.

Reference: 1-GP-2005 and 2-ZN-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

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9. **Drinx Conditional Use Permit – MOTION TO APPROVE, WITH REMOVAL OF THE MANDATORY ONE-YEAR REVIEW STIPULATION – OK – 7/0**

Request: Consider a conditional use permit for a bar within an existing 3400 +/- square foot building located at 7330 E. Stetson Drive with Central Business District/Parking District, Downtown Overlay (C-2/P-3/P-2/DO) zoning.

Location: 7330 E. Stetson Drive

Reference: 9-UP-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

10. **Contract Authorization for Court-Ordered Screening/Treatment Providers – OK – C**

Requests:

1. Authorize Professional Services Contract No. 2005-157-COS with Justice Services, Inc.
2. Authorize Professional Services Contract No. 2005-158-COS with The Center for Recovering Families, Inc.
3. Authorize Professional Services Contract No. 2005-159-COS with the Scottsdale Treatment Institute, PLC to provide court ordered screening and treatment services to Scottsdale City Court defendants.

Related State Statutes, Policies, References: Depending on the nature of the criminal conviction, Arizona Revised Statutes mandate screening/treatment programs such as alcohol/drug, domestic violence, shoplifting, and anger management. In addition, the judiciary may require defendants to attend programs as part of their sentencing terms.

Staff Contact(s): Janet G. Cornell, Court Administrator, 480-312-2775, jcornell@scottsdaleaz.gov; Daniel W. Edwards, Deputy Court Administrator (Contract Administrator), 480-312-3092, dwedwards@scottsdaleaz.gov

11. **Engineering Services Contract to Prepare a Transportation Master Plan – OK – C**

Request: Approve Engineering Services Contract #2005-168-COS with HDR Engineering, Inc. (HDR) in the amount of \$1,176,400 to prepare a Transportation Master Plan, including the development of an Airport Circulation Plan, a Central Scottsdale Circulation Plan and the completion of a Phase II High Capacity Transit Study for Scottsdale Road.

Related Policies, References:

- June 27, 2005 Request for Statement of Qualifications for a Transportation Master Plan for the City of Scottsdale
- Scottsdale General Plan 2001
- Scottsdale/Tempe North/South Corridor Major Investment Study 2003
- Maricopa Association of Governments' Regional Transportation Plan 2003

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

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12. Intergovernmental Agreement for Construction of the East Valley Bus Operations and Maintenance Facility – OK – C

Request: Adopt Resolution No. 6753 authorizing Intergovernmental Agreement No. 2005-155-COS with the City of Scottsdale, City of Tempe and the Regional Public Transportation Authority for the construction of the East Valley Bus Operations and Maintenance Facility, jointly owned by all three parties.

Related Policies, References: IGA No. 2005-155-COS; City Procurement Code: Section 2-181-D; Maricopa Association of Governments (MAG) Regional Transportation Plan (2003).

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

13. Issuance of General Obligation bonds and Municipal Property Corporation Bonds to Finance Capital Improvement Projects, Land Acquisitions, and Preserve Purchases/Improvements – OK – C

Requests:

1. Adopt Resolution No. 6756 providing for the competitive sale and issuance of \$145 million principal amount General Obligation (G.O.) Bonds (\$125 million for Bond 2000 projects and \$20 million for Bond 2004 Preserve projects); providing the terms concerning the bonds; authorizing the City's Financial Services General Manager to accept the proposal for the purchase of the bonds; and appointing an initial bond registrar and paying agent for the bonds.
2. Adopt Resolution No. 6757 approving the competitive sale and issuance by the City of Scottsdale Municipal Property Corporation of Excise Tax Revenue Bonds in an amount not to exceed \$150 million (up to \$50 million for State land purchase and up to \$100 million for water and sewer capital projects); approving the terms concerning the bonds; authorizing the City's Financial Services General Manager to accept the proposal for the purchase of the bonds on behalf of the Municipal Property Corporation; and appointing an initial bond registrar and paying agent for the bonds.

Related Policies, References:

- Resolution No. 6674 dated 05/17/05, Adopted Financial (Debt) Policies
- Resolution No. 6630 dated 03/15/05, G.O. Reimbursement Resolution
- Resolution No. 6504 dated 06/22/04, Preserve Reimbursement Resolution
- Resolution No. 6635 dated 03/18/05, MPC Reimbursement Resolution
- Resolution No. 6741 dated 10/04/05, MPC Reimbursement Resolution

Staff Contact(s): Craig Clifford, Financial Services General Manager, 480-312-2364, cclifford@scottsdaleaz.gov; Lee Guillory, Finance Manager, 480-312-7084, lguillory@scottsdaleaz.gov

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14. Engineering Services Contract for Final Design Plans for North Freeway Access Road from Scottsdale Road to Hayden Road – OK – C

Request: Authorize modification to Engineering Services Contract No. 2004-015-COS with Wood, Patel & Associates, Inc., in an amount not to exceed \$520,093 for the final design of roadway and drainage improvements on the North Freeway Access Road (Frontage Road) between Scottsdale and Hayden roads.

Related Policies, References:

- On February 17, 2004 Council awarded Engineering Contract No. 2004-015-COS to Wood-Patel & Associates for the preliminary engineering of the North Freeway Access Road, as well as the final design of Center Drive between Scottsdale and Hayden roads.
- Streets Master Plan-2003
- FY 2005/06 Capital Improvement Plan
- Zoning Case 19-ZN-2002 (Crossroads East)
- Zoning Case 20-ZN-2002 (Stacked 40s)
- Transportation Commission - November 2002

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

15. Resolution Calling the 2006 Municipal Elections – OK – C

Request: Adopt Resolution No. 6775 calling a general election (General Election) for Tuesday, March 14, 2006 and a run-off election (Run-off Election), if necessary, for Tuesday, May 16, 2006 for the purpose of electing three council members.

Related Policies, References:

- The Scottsdale City Charter establishes the time of holding general elections and run-off elections, if necessary, in even numbered years on the first calendar dates authorized by state law establishing mandatory election dates. Three council member seats are to be filled at the 2006 municipal elections.
- Maricopa County Elections Department is statutorily required to provide voter registration and other election services and is well qualified to assist cities and towns with election operations and procedures.

Staff Contact(s): Carolyn Jagger, City Clerk, 480-312-2411, cjagger@scottsdaleaz.gov

16. Authorize Settlement of Lawsuit Entitled Manfredi v. City of Scottsdale – OK – C

Request: Adopt Resolution No. 6777 authorizing the Mayor to execute Settlement Agreement No. 2005-181-COS to settle Manfredi v. City of Scottsdale, CV2004-022430, currently pending in Maricopa County Superior Court.

Staff Contact(s): Deborah Robberson, Acting City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov; Michael Mason, Risk Claims Manager, 480-312-7040, mmason@scottsdaleaz.gov

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17. **Lease Agreement for Coronado Golf Course – MOTION TO APPROVE – OK – 7/0**

Request: Adopt Resolution No. 6769 authorizing Agreement No. 2005-165-COS with Odanoroc L.L.C., an Arizona limited liability company, to enter into a lease and management agreement for the operation of Coronado Golf Course. This lease will combine 36 acres of City of Scottsdale land together with approximately 8 acres owned by Odanoroc, L.L.C. The two parcels will collectively form the 9-hole Coronado Golf Course and Driving Range.

Related Policies, References:

- Section 2-221(b)(5) of the Scottsdale Revised Code allows the sale of City real property interests, including leases directly to adjoining property owners.
- A prior lease for the City-owned portion of the Coronado Golf Course was entered into in 1976 with Mr. Tom Lambie and Mr. Milt Coggins.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

Regular Agenda begins on the following page

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. **You will be given at least three minutes to speak per item. Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

18. Acquisition of Control Change for Babe's Cabaret – MOTION TO CONTINUE TO 11/15/2005 – OK – 7/0

Request: Consider an Acquisition of Control change for Babe's Cabaret.

Location: 2011 N. Scottsdale Road

Reference: 53-LL-2004#2

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

Public Comment – LYLE WURTZ BELIEVES CRIME STATISTICS IN SOUTHERN SCOTTSDALE ARE TOO HIGH AND THE SCHOOL SYSTEMS ARE IN DECLINE. HE STATED COUNCIL SHOULD NOT RISK A FIGHT TO CLOSE DOWN BABE'S CABARET, BUT RATHER SHUT DOWN THE MOTOR MILE.

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

City Manager's Report – NONE

Mayor and Council Items – NONE

19. City Council Subcommittee on Regional Aviation Issues Report and Staff Direction – MOTION TO DISCONTINUE THE CITY'S EFFORT TO RECEIVE FAR PART 139 CERTIFICATION – OK – 5/2 (RL, KO)

Requests:

1. Review the City Council Subcommittee on Regional Aviation Issues Report regarding proposals for scheduled commuter service at Scottsdale Airport.
2. City Council discussion and direction to staff regarding preparation of Part 139 safety certification submittal.

Contact(s): Councilman Robert Littlefield, Subcommittee Chair, 480-312-2550, rlittlefield@scottsdaleaz.gov; Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov; Scott Gray, Airport Director, 480-312-7735, sgray@scottsdaleaz.gov

Adjournment of the City Council Meeting and Convening of: - 9:03 P.M.

Scottsdale Waterfront Commercial Community Facilities District
Agenda Attached

**NOTICE OF PUBLIC MEETING OF THE
BOARD OF DIRECTORS OF
SCOTTSDALE WATERFRONT COMMERCIAL
COMMUNITY FACILITIES DISTRICT
OF SCOTTSDALE, ARIZONA**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the general public that a special meeting of the Scottsdale Waterfront Commercial Community Facilities District of Scottsdale, Arizona, open to the public, will be held on Tuesday, November 1, 2005 at 5:00 p.m. immediately following the meeting of the Scottsdale City Council in the City Council Chambers of the City of Scottsdale, Arizona located at 3939 N. Drinkwater Boulevard, Scottsdale, Arizona, 85251, telephone number (480) 312-2412.

The agenda for the meeting is as follows:

1. Call to Order – **9:05 P.M.**
2. Approval of Minutes of September 20, 2005 – **OK – 6/0 (BD COI)**
3. Adopt Resolution No. 2 – **MOTION TO APPROVE – OK – 6/0 (BD COI)**
4. Call for Public Comments - **NONE**
5. Adjournment – **9:07 P.M.**

Dated: November 1, 2005